



State Sector (Department of Child, Youth and Family Services) Order 2006

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 23rd day of May 2006

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to sections 30A, 30C, and 30K of the State Sector Act 1988, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following order.

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Order

1 Title

This order is the State Sector (Department of Child, Youth and Family Services) Order 2006.

2 Commencement

This order comes into force on 1 July 2006.

3 Department of Child, Youth and Family Services omitted from Schedule 1 of State Sector Act 1988

The item relating to the Department of Child, Youth and Family Services is omitted from Schedule 1 of the State Sector Act 1988.

4 Application of employee provisions

Sections 30E to 30G of the State Sector Act 1988 apply to the transfer of functions from the Department of Child, Youth and Family Services to the Ministry of Social Development.

5 Application of consequential changes to references provisions

Sections 30H and 30I of the State Sector Act 1988 apply to things coming into force, entered into, or created during the transitional period of 12 months, beginning on 1 July 2006 and ending on 30 June 2007, after the transfer of functions specified in clause 4.

Diane Morcom,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on 1 July 2006, does 3 things. First, the order removes the name of the Department of Child, Youth and Family Services from the list of departments of the Public Service that is contained in Schedule 1 of the State Sector Act 1988,

as a result of the abolition of that department and the transfer of its functions to the Ministry of Social Development following the merger of the Department of Child, Youth and Family Services and the Ministry of Social Development on 1 July 2006.

Secondly, the order applies some of the employee provisions of the State Sector Act 1988 to employees affected by the transfer of functions to the Ministry of Social Development. The provisions applied are—

- section 30E, which relates to restriction of compensation for technical redundancy. As a result, a Department of Child, Youth and Family Services employee who is offered equivalent employment with the Ministry of Social Development, or who accepts other employment with the Ministry of Social Development, is not entitled to receive compensation for technical redundancy:
- section 30F, which disapplies some of the State Sector Act 1988 provisions that usually apply to appointments. As a result, the Ministry of Social Development is not obliged to comply with some standard obligations, for example, the obligation to notify a vacancy before appointing a Department of Child, Youth and Family Services employee:
- section 30G, which relates to the application of collective employment agreements. As a result, any collective employment agreement that relates to transferring employees will continue to apply to those employees after the transfer, but only in so far as it relates to those employees.

Thirdly, the order applies sections 30H and 30I of the State Sector Act 1988, which concern consequential changes to references to departments and chief executives following reorganisations, to things coming into force, entered into, or created during a 12-month transitional period, beginning on 1 July 2006 and ending on 30 June 2007, after the transfer of functions to the Ministry of Social Development.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 25 May 2006.

This order is administered by the State Services Commission.
